

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONSOLIDATED UNDER
CASE NO. 05-10155 PBS

YISEL DEAN, Independent Administratrix of the Estate of
STEVEN DEAN, deceased, and on behalf of all statutory
beneficiaries,
Plaintiff,

V.

DOCKET NO: 05cv10155 PBS

RAYTHEON COMPANY, a Delaware corporation,
RAYTHEON AIRCRAFT COMPANY, a Kansas Corporation,
RAYTHEON AIRCRAFT CREDIT CORPORATION, a
Kansas Corporation, COLGAN AIR, INC., a Virginia
Corporation d/b/a US Air
Express,
Defendants.

LISA A. WEILER, Administratrix of the Estate of SCOTT A. KNABE, deceased, and on behalf of all statutory beneficiaries,
Plaintiff,

V.

DOCKET NO: 05cv10364 PBS

RAYTHEON COMPANY, a Delaware corporation,
RAYTHEON AIRCRAFT COMPANY, a Kansas Corporation,
RAYTHEON AIRCRAFT CREDIT CORPORATION, a
Kansas Corporation, COLGAN AIR, INC., a Virginia
Corporation d/b/a US Air Express,
Defendants.

**DEFENDANTS' MOTION *IN LIMINE* TO PRECLUDE EVIDENCE OF ECONOMIC
RESOURCES OF THE DEAN FAMILY**

The defendants hereby respectfully move for an order *in limine* precluding the plaintiffs from offering any evidence, including the testimony of lay or expert witnesses, regarding the economic resources of the Dean family. At her deposition, Robin Deutsch, Ph.D., plaintiffs' expert psychologist on behalf of Brittany Dean, testified that a contributing stressor to Brittany Dean's major depression is limited economic resources. (Deposition of Robin Deutsch, Ph.D., pp. 31-32, attached hereto as **exhibit 1**). When asked to elaborate on what she meant by limited economic resources, Dr. Deutsch testified that Brittany's mother was unemployed, and that as a result, she did not believe that Brittany received the psychological treatment that she needed. (**Exhibit 1** at p. 33). However, Dr. Deutsch admitted that she did not know the what resources the family had, and that she did not really know why Brittany may not have received counseling when she needed it. (**Exhibit 1** at pp. 34-35). As such, Dr. Deutsch was clearly speculating that purported limited economic resources of the Dean family contributed to Brittany's condition of major depression. Dr. Deutsch, as well as any other expert witness, should be precluded from offering speculative testimony as to any issue bearing on liability or damages.

In any event, the economic resources of the Dean family, including whether or not Mrs. Dean was or is unemployed, is entirely irrelevant to this matter, and evidence of their economic resources should be precluded. The financial status of the family has no bearing on the plaintiffs' claims against the defendants, or the plaintiffs' claims for damages. Additionally, allowance of any evidence of the financial status of any of the plaintiffs could result in jury sympathy for the plaintiffs, which would severely prejudice the defendants.

WHEREFORE, the defendants respectfully move for an order *in limine* precluding the plaintiffs from offering any evidence, including the testimony of lay or expert witnesses, regarding the economic resources of the Dean family.

RAYTHEON DEFENDANTS,
By Counsel,

/s/ Peter C. Knight

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on January 26, 2007.

/s/ Peter C. Knight

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EXHIBIT 1

Robin Deutsch, Ph.D.

September 20, 2006

1

Vol. 1, Pgs. 1-94

Exhibits 1-7

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

 **ORIGINAL**

YISEL DEAN, et al.

CONSOLIDATED

Plaintiffs

v.

CA No. 05 CV 10155 PBS

RAYTHEON COMPANY, a Delaware

corporation, et al.

Defendants

LISA A. WEILER, et al.

Plaintiff

v.

CA No. 05 CV 1034 PBS

RAYTHEON COMPANY, a Delaware

corporation, et al.

Defendants

DEPOSITION of ROBIN DEUTSCH, Ph.D.

Wednesday, September 20, 2006 - 9:24 a.m.

Dwyer & Collora, LLP

600 Atlantic Avenue

Boston, Massachusetts

Reporter: Jill K. Ruggieri, RMR/CRR

1 (Laughter.)

2 Q You said that she underreported this?

3 A Yes.

4 Q She underreported this -- these responses,
5 meaning it was her recording of these
6 feelings was somewhat inconsistent with your
7 diagnosis?

8 A No.

9 Q To some extent?

10 A Well, it was inconsistent with her
11 conversation with me, and she tended to
12 minimize things.

13 So when I say "underreporting," it's
14 because I believe she probably minimizes.

15 Q All right.

16 Now, you told us that there was
17 nothing else that you needed in order to
18 formulate your opinion other than what you
19 had here; is that correct?

20 A Yes.

21 Q Are there psychosocial stressors that can
22 contribute to causing depression?

23 A Yes.

24 Q Did she have any psychosocial stressors

1 contributing to her depression as you found
2 which were not the result of the loss of her
3 father?

4 A I have to answer that in two parts:

5 I think one of the stressors was
6 limited economic resource, which -- I don't
7 think any of these are not -- I think all of
8 them can be tied to the loss of her father.

9 One is loss of economic resources.
10 Another is very limited social support,
11 support in the community.

12 A third is limited coping skills of
13 her mother, and I think those could all be
14 tied to the loss of her father; but they
15 exist for her, and I think exacerbate the
16 depression.

17 Q When you say one of the stressors was
18 limited economic resources, what do you mean
19 by that?

20 A Well, her mother was unemployed, and --

21 Q When?

22 A Certainly during the time I saw them and --
23 I don't know if she was employed before or
24 not.

Robin Deutsch, Ph.D.

September 20, 2006

33

1 Q Okay.

2 Do you know why she was unemployed?

3 A No, I didn't evaluate the mother.

4 Q Okay.

5 I interrupted you, but I asked you on
6 what basis or what did you mean by limited
7 economic resources, and you said the mother
8 was unemployed.

9 Anything else?

10 A That the mother was unemployed, and so I
11 don't think that this child received the
12 psychological treatment that she certainly
13 has needed.

14 Q Do you know whether or not Yisel Dean, her
15 mother, received a settlement from Colgan?

16 A I don't know.

17 Q Okay.

18 Did you ever see any of Yisel Dean's
19 medical records?

20 A No.

21 Q If there was reference in those medical
22 records to spending \$100,000 in one year,
23 would your opinion change?

24 A Reference to spending \$100,000 in one year

Robin Deutsch, Ph.D.

September 20, 2006

34

1 when?

2 Q Well, at any time after the -- after the
3 accident of August 26, 2003 up to the time
4 that you made your evaluation.

5 A Depends on when it was spent on, I guess.

6 Q You don't have any knowledge about --

7 A No.

8 Q -- any spending habits of the mother?

9 A No.

10 Q You really don't -- when you say "limited
11 economic resources," you really don't know
12 what resources the family have?

13 A I do not.

14 Q Okay.

15 A I just know that -- no, I do not.

16 Q Okay.

17 And Robert Dean lives in the
18 household.

19 Do you know if he's contributing?

20 A He is.

21 Q Do you know what he does for a living?

22 A He's been employed -- he's some kind of a
23 mechanic, I believe.

24 Q Do you know what kind of a contribution he

Robin Deutsch, Ph.D.

September 20, 2006

35

1 makes financially?

2 A I do not.

3 Q So in terms of the limited economic
4 resources as a social stressor, all you know
5 is she didn't get counseling when she
6 probably needed it?

7 A Correct.

8 Q But you don't really know why?

9 A Correct.

10 Q You do know that she went two or three times
11 to some counselor, but you don't have those
12 records, and you don't know why she stopped?

13 A Right.

14 Q The second social stressor that you pointed
15 out that you felt was contributing to the
16 depression of Brittany was limited social
17 support in the community?

18 A Yes.

19 Q What do you mean by that?

20 A Well, it's a -- the family is very isolated.
21 They -- they don't go out. They stay in the
22 house.

23 They are -- everyone is quite
24 fearful. They didn't know the neighborhood.